

## **A REGULAR MEETING OF THE WESLACO CITY COMMISSION**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, June 21, 2011 at 6:00 p.m. for the purpose of discussing the following items:

### **I. CALL TO ORDER**

- A. Roll Call/Establish a Quorum.
- B. Certification of Public Notice.
- C. Invocation.
- D. Pledge of Allegiance.
- E. Mayoral Proclamations.

### **II. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of June 7, 2011. Attachment.
- B. Approval on Second Reading of Ordinance 2011-06 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone a tract of land containing 0.496 of one acre out of Farm Tract 751, West and Adams Tract Subdivision, Hidalgo County, Texas, also being 410 E. 18<sup>th</sup> Street, from "R-1 Single Family Dwelling District" to "R-2 Duplex and Apartment District." Attachment.
- C. Approval of Resolution No. 2011-38 to identify the current City Commissioners and other appropriate staff as authorized signatories for legal, financial documents with First National Bank and authorize the execution of any related documents by members of the Commission. Attachment.
- D. Approval of the request to close Texas Boulevard/FM 88 from 4th to 5th Streets from 6:00 p.m. to 10:00 p.m. on July 21, 2011 for a special event coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, waiving any fees or ordinances associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.
- E. Approval of request to authorize staff to solicit proposals for an on-line

payment portal and Interactive Voice Response (IVR). Attachment.

- F. Approval of the Memorandum of Understanding (MOU) with Johnson Controls Inc. authorizing a preliminary assessment of City facilities for energy and operational costs reduction at no expense to the City and authorize the Mayor to execute any related documents. Attachment.
- G. Approval of request to authorize Municipal Court Technology Funds for an upgrade in the criminal court case management system in an amount not to exceed \$4,000.00 and authorize a budget amendment as appropriate. Attachment.
- H. Approval of request to authorize Municipal Court Technology Funds for various equipment and supplies, including Acu Corp Run Time software, Court Case Management software, Police Interface to Court module, Espon TM-U950P Receipt Printer, and Media Plus Automated Cash Drawer in a total amount not to exceed \$7,890.20 and authorize a budget amendment as appropriate. Attachment.
- I. Approval of request to authorize Municipal Court Technology Funds for the acquisition of five (5) computers in an amount not to exceed \$5,300.00 and authorize a budget amendment as appropriate. Attachment.

### **III. APPOINTMENTS**

- A. Discussion and consideration to approve Resolution No. 2011-31 and Resolution No. 2011-32 to appoint two (2) members to the Planning & Zoning Commission. Possible action. (Item as requested by the Mayor.) Attachment.

### **IV. OLD BUSINESS**

- A. Discussion and consideration to ratify the Professional Services Agreement with Cruz-Hogan Consulting Engineers for engineering services related to the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program for the Flood Drainage Improvement Project at the Las Brisas del Oro Subdivision in an amount not to exceed an amount of \$155,000.00. Possible action. (Cruz-Hogan designated as project engineer by Commission action on April 5, 2011.) Attachment.
- B. Discussion and consideration on Second Reading of Ordinance 2011-05 to amend Ordinance No. 2009-18 to establish that regular and special meetings of the Weslaco City Commission shall convene at 5:30 p.m. Possible action. (This item was approved June 7, 2011 on First Reading; agenda placement requested by the Mayor as Old Business.) Attachment.
- C. Discussion and consideration to approve the Community Development Block Grant (CDBG) as amended to reflect specific reductions per project from 15.6% to 16.5% with the total budget reduction remaining

\$61,001.00 as previously presented, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (This item was approved June 7, 2011.) Attachment.

- D. Discussion and consideration on behalf of Xenon, Inc. and Senon Moya, President, to approve the Final Plat of the Re-Subdivision of La Plazita, Lot 4 also being La Plazita Phase II, a 3.967 Acre Tract of out of Farm Tract 1068, West and Adams Tract Subdivision, Hidalgo County, Texas, located on F.M. 1015 and Mile 10 ¼ North Road and authorize the Mayor to execute any related documents. Possible action. (This item was tabled June 7, 2011.) Attachment.
- E. Discussion and consideration to approve a Professional Services Agreement with Cruz-Hogan Consulting Engineers, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (This item was tabled June 7, 2011.) Attachment.
- F. Discussion and consideration to approve Ordinance 2011-04 amending Ordinance No. 2009-18 to provide that the agenda of a regular and/or special meeting of the Weslaco City Commission shall be posted not less than 102-hours prior to the scheduled meeting time as permitted by the Texas Open Meetings Act. First Reading of Ordinance 2011-04. Possible action. (There was no action on this item June 7, 2011; item as requested by the Mayor.) Attachment.

**V. NEW BUSINESS**

- A. Announcement of the appointment of the Fire Chief and confirmation by the Weslaco City Commission pursuant to §143.013 of the Local Government Code. Possible action. Attachment.
- B. Discussion and consideration to adopt the City of Weslaco Investment Policy. Possible action. Attachment.
- C. Discussion and consideration to approve crosswalk buttons on Eighth Street in front of Knapp Medical Center, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to approve installation of four (4) additional street lights at Expressway Heights subdivision by Magic Valley Electric Cooperative in an amount not to exceed \$1,158.57, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration to update City of Weslaco building and safety codes as recommended in the 2006 International Code Congress:

1. To adopt the 2006 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-07. Possible action. Attachment.
2. To adopt the 2006 Edition of the International Existing Building Code for the regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-08. Possible action. Attachment.
3. To adopt the 2006 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-09. Possible action. Attachment.
4. To adopt the 2006 Edition of the International Energy Conservation Code for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-10. Possible action. Attachment.
5. To adopt the 2006 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-11. Possible action. Attachment.
6. To adopt the 2006 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-12. Possible action. Attachment.
7. To adopt the 2006 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-13. Possible action. Attachment.
8. To adopt the 2006 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-14. Possible action. Attachment.

9. To adopt the NFPA Life Safety Code 101-2006 Edition relating to construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-15. Possible action. Attachment.
- F. Discussion and consideration to authorize submission of a grant application to the U.S. Department of Justice Bureau of Justice Assistance Program in the amount of \$34,980.00 to acquire fifty-three (53) body armor vests, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- G. Presentation by Special Redistricting Counsel David Mendez of Bickerstaff Heath Delgado Acosta, LLP, and discussion of the Initial Assessment regarding the need to redistrict the City of Weslaco Commissioners' Single Member Districts based on recently issued 2010 Census data. Possible action. Attachment.
- H. Discussion and consideration with Special Redistricting Counsel David Mendez of traditional redistricting criteria and possible adoption of Resolution 2011-39 establishing criteria to be utilized by the City of Weslaco for the 2011 redistricting. Possible action. Attachment.
- I. Discussion and consideration to approve Resolution 2011-40 adopting redistricting guidelines for the City of Weslaco which set standards for public participation for the 2011 redistricting process. Possible action. Attachment.
- J. Status Reports:
1. Commissioner Joel Quintanilla, Hidalgo County Precinct One, regarding local projects. (Item as requested by the Mayor.)
  2. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.
  3. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

## **VI. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.
- B. Report on criteria and process for recognizing major figures by the City of Weslaco.
- C. Report on drainage ditch maintenance with excavator.
- D. Report on Revised Agenda Preparation Schedule. Attachment.

## **VII. PUBLIC COMMENTS**

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

## **VIII. EXECUTIVE SESSION**

*Texas Government Code, Section 551 Open Meetings:*

*§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

*§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

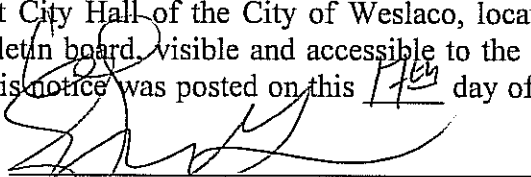
**NOTE:** Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Legal Consultation - Discussion with Special Redistricting Counsel David Mendez of Bickerstaff Heath Delgado Acosta, LLP regarding the City of Weslaco's redistricting obligations under the Voting Rights Act pursuant to §551.071 of the Texas Government Code.

## **IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

## **X. ADJOURNMENT**

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on this 17th day of June, 2011 at 9:45 a.m./p.m.

  
By Elizabeth M. Walker, City Secretary  
City of Weslaco

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.